

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
San Francisco Division

DAVID KHAN, et al.,
Plaintiffs,
v.
JUSTIN ROGERS, et al.,
Defendants.

Case No. 17-cv-05548-RS (LB)

**ORDER DENYING DEMAND FOR
CHANGE OF JUDGE**

Re: ECF No. 86

Plaintiffs David Khan and Nay Zar Tun Kyaw have filed a demand for change of judge,¹ which arguably can be construed as a motion for the undersigned to be recused or disqualified from this case.

“Any justice, judge, or magistrate judge of the United States shall disqualify himself [or herself] in any proceeding in which his impartiality might reasonably be questioned.” 28 U.S.C. § 455(a). “He [or she] shall also disqualify himself [or herself] . . . [w]here he [or she] has a personal bias or prejudice concerning a party, or personal knowledge of disputed evidentiary facts concerning the proceeding[.]” 28 U.S.C. § 455(b)(1). “The test for disqualification is an objective one: ‘whether a reasonable person with knowledge of all the facts would conclude that the judge’s

¹ Pls. Demand for Change of Judge – ECF No. 86. Citations refer to material in the Electronic Case File (“ECF”); pinpoint citations are to the ECF-generated page numbers at the top of documents.

1 impartiality might reasonably be questioned.” *Quinn v. Centerplate*, No. 14-cv-01254 NC, 2014
2 WL 2860666, at *3 (N.D. Cal. June 23, 2014) (quoting *United States v. Nelson*, 718 F.2d 315, 321
3 (9th Cir. 1983)).

4 The plaintiffs’ demand does not establish that the undersigned has a personal bias or prejudice
5 that satisfies the reasonable-person standard. Accordingly, the plaintiffs’ demand that the
6 undersigned be recused or disqualified and the plaintiffs receive a “change of judge” is denied.

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8 **IT IS SO ORDERED.**

9 Dated: September 28, 2018

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11 LAUREL BEELER
12 United States Magistrate Judge
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